

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PETER LINDNER,

Plaintiff

-against-

COURT SECURITY OFFICER (CSO) NEWELL, CSO MUSCHITIELLO, CSO JOHN DOE #1, CSO JOHN DOE #2, 2ND CIRCUIT COURT OF APPEALS CLERK MARGARET LAIN, ASSISTANT US MARSHAL (USM) JAMES HOWARD, USM BRIAN MURPHY, USM BETTY ANN PASCARELLA, WITNESS SECURITY S. JONES, CONGRESSIONAL AFFAIRS CHIEF D. DISRUD, US ATTORNEY PREET BHARARA, USM JOSEPH R. GUCCIONE,

Defendants

~~Was: Thursday, March 28, 2013 11:20 AM~~

~~Is: Tuesday, April 09, 2013 11:00 PM~~

~~Was: Thursday, March 28, 2013 11:20 AM~~

~~Is: Tuesday, April 09, 2013 11:00 PM~~

~~Is: Friday, April 12, 2013 4:04 PM~~

**Civil Action No. 11 cv 08365  
(AJN-MHD)**

**MOTION TO RECONSIDER**  
**AND PLAINTIFF RESPONSE TO**  
**AUSA COVERUP AND**  
**VIOLATION OF NY STATE**  
**LAW ON INTENT TO DECEIVE**  
**THE COURT, ATTACHMENTS**  
**OF SWORN NOTARIZED**  
**SIGNATURE OF PLAINTIFF**

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**To USDJ Nathan:**

Here is attachment 6 – Part 1 of 2 to Document 95, as requested by Pacer staff 4/12/2013.

Please note that the "**Letter clearly addressed to 2<sup>nd</sup> Circuit**" had been first sent to the SDNY Pro Se Office in violation of 18 USC § 1512(b)(3), and the document is to the 2<sup>nd</sup> Circuit Court of Appeals. This was / is a crime punishable by up to 20 years imprisonment, and by the way, was not the first time that my letters to Judges were intercepted and delayed by the SDNY Pro Se Office, either on their own or by direction of others.

Humbly and sincerely,

By: /s/ Peter Lindner Dated: New York, NY the 12<sup>th</sup> Day of April , 2013  
 Peter Lindner  
 Plaintiff, *Pro Se*  
 1 Irving Place, Apt. G-23-C  
 New York, New York 10003  
 Home/ Fax: 212-979-9647  
 Cell: 917-207-4962  
 Email: [nyc10003@nyc.rr.com](mailto:nyc10003@nyc.rr.com)



**Attachment 6: 11 page letter to USMS in Sep 2010**

Wednesday, September 22, 2010 8:51 PM

**To the 3 agencies: Admin, USM, FBI:**

- 1) Administrative Office of the US Courts

One Columbus Circle NE  
Washington, DC 20544

- 2) US Marshals Service

Office of Inspection  
Washington, DC 20530

- 3) FBI

Criminal Investigative Division  
Washington, DC 20535-0002

Sirs:

I was referred by the US DOJ (address below and 9/13/2010 letter attached) to your 3 agencies.

US Department of Justice  
Office of the Inspector General  
Investigations Division  
1425 New York Ave NW, Suite 7100  
Washington, DC 20530

I had a problem that has been ongoing, and the DOJ letter refers to my letter of 8/13/2010, which I can't find. However, in the meantime there has been a new development, of me being assaulted on Friday, August 20<sup>th</sup>, 2010 by the Court Security Officer Newel in front of the Clerk's Office for the Second Circuit Court of Appeals .

**I hereby file my complaint to you about an Assault and Battery and intimidation** by (CSO) Court Security Officer Newel in front of the 2nd Circuit Court of Appeals, between 3:30pm and 5:15pm on Friday Aug 20, 2010 on the 3rd floor of 500 Pearl St., while I was reporting a series of mail delayed to the 2<sup>nd</sup> Circuit. I have proof of envelopes stamped USM and SDNY when the address shows the letter was address to the 2<sup>nd</sup> Circuit. I have been unable so far to file / report a criminal complaint done by a powerful person. I had also called the US Attorney civilian criminal complaint line the day after the incident, and have not been called back.

I attach my letter of "Friday, September 10, 2010 6:55 AM, Via Hand-Carried" to the NY US Attorney, which they mailed back to me. If you see the last page of that letter, it will have the letter clearly addressed to the Second Circuit Court of Appeals, but stamped by the US Marshal in SDNY and the SDNY Pro Se Office. This is a violation of 18 USC §1512(b)(3). I believe the assault by CSO Newel makes it a more serious violation of 18 USC §1512(a).

Yesterday, the Assistant US Marshal James Howard agreed to meet with me, and I plan to see him with my lawyer on one of 3 dates I proffered him today. He maintains there is no such thing as a case number or complaint number for the US Marshal, but I am skeptical. I wish to get a formal complaint number, for this violation of the law, punishable by up to 20 years imprisonment, for attempting to hinder or delay my communication to a federal judge about a possible federal crime (to wit: witness tampering).

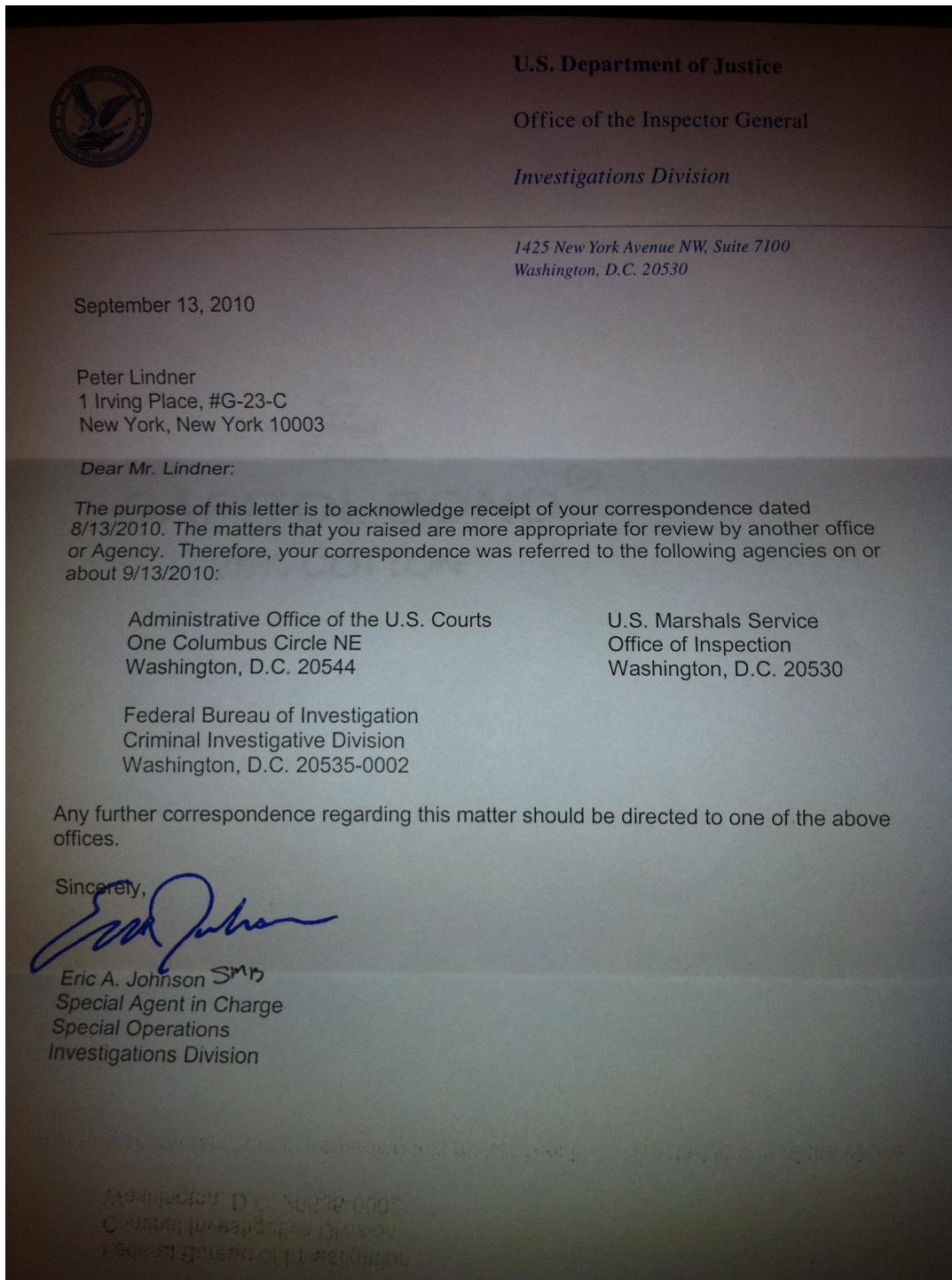
Sincerely yours,

Peter W. Lindner  
1 Irving Place, #G-23-C  
NYC, NY 10003  
home/fax: 212-979-9647  
cell: 917-207-4962  
email: nyc10003@nyc.rr.com

Attachments:

- 1) Letter of 9/13/2010 from DOJ
- 2) 8 page letter returned to me by SDNY US Attorney

**Attachment 1: Letter of 9/13/2010 from DOJ**



**Attachment 2: 8 page letter returned to me by SDNY US Attorney**

Friday, September 10, 2010 6:55 AM  
Via Hand-Carried

To the New York US Attorney:

**Summary of key Crime**

**I hereby file my complaint to you about an Assault and Battery and intimidation** by (CSO) Court Security Officer Newel in front of the 2nd Circuit Court of Appeals, between 3:30pm and 5:15pm on Friday Aug 20, 2010 on the 3rd floor of 500 Pearl St., while I was reporting a series of mail delayed to the 2<sup>nd</sup> Circuit. I have proof of envelopes stamped USM and SDNY when the address shows the letter was address to the 2<sup>nd</sup> Circuit. I have been unable so far to file / report a criminal complaint done by a powerful person. I had also called the US Attorney civilian criminal complaint line the day after the incident, and have not been called back.

I am trying to finish this letter quickly, since it is 8:30 am and have to give this to the hand courier before he/she leaves.

I attach copies of some photos which show (although blurry) that the documents addressed to the 2<sup>nd</sup> Circuit were (first) intercepted and stamped by the SDNY (Southern District of NY). I swear this is true to the best of my knowledge and ability, and can get this notarized.

**History**

Moreover, this is a string of events, where my communications to a federal judge about possible federal crimes were (knowingly) delayed, in violation of 18 USC 1512(b)(3) in the summer of 2009. However, with the physical assault in August 2010, I believe this moves the crime to 18 USC 1512(a), which means from 20 to 30 years of maximum imprisonment for each of the parties who engaged. The possible federal crimes included witness tampering by IBM in June 2009, and the federal Judge was SDNY Chief Judge Preska in July-August-September 2009; and now the Judges are also the 2<sup>nd</sup> Circuit in June-August 2010. I have actual letters (which can be tested for contact DNA and fingerprints) and photos of them. There may be video tapes of the Newell (Newel?) incident, and eyewitness including CSO Muschitello, which I hope will not be tampered with. Also, CSO Newel reported (circa 8/26/2010) to USM Betty Ann Pascarella that he (CSO Newel) did not make physical contact with me, which I think is now also a federal crime to mislead a USM. Additionally, ORDER #130 by USDJ Sullivan in 06cv4751 (first page attached below) is an attempt to intimidate, influence, delay or hinder me from reporting to the federal Law Enforcement Officer known as the US Marshal a possible federal crime of witness tampering by IBM, which I pointed out the next day to USDJ Sullivan was in and of itself a crime by him to do so knowingly – yet the ORDER was not lifted for several months.

I appealed his decision of Summary Judgment to the 2nd Circuit Court of Appeals, which today I went to talk to them, and while talking to a US Marshal about someone messing with my mail to the 2nd Circuit, a US Marshal hit me in the forehead with his name tag between 3:30pm and 5:15pm on Friday Aug 20, 2010 on the 3rd floor of 500 Pearl St.

I had gone to the 2nd Circuit to see if IBM was making a frivolous motion about denying me an extension of time. I had sent in 3 submissions to the 2nd Circuit, two of which came back to me with SDNY stamps on it or SDNY stationary. I complained to the 13th Precinct and also to the USPS Postal Police. I found out on Aug 20<sup>th</sup> that on Aug 18, Judge Chin denied my extension to Sep 2010, so I told the 2nd Circuit Clerks that they should call the Police, and they reluctantly called the US Marshal. I spoke to CSO Muschitello and some other US CSO came by and said something as a nasty aside, and I said "What did you say?" and he said "None of your business" (words to that effect). I said "What is your name", and he refused to tell me. Since the CSOs wear a blazer that has a plastic plaque that goes in the breast pocket, I asked CSO Muschitello if I can pass by that other CSO to see his name tag. That CSO then took the plaque out of his pocket (CSO Newell) and held it inches in front of my eyes (I wear glasses). And then CSO Newell bumped the name tag plaque against my face, right side temple near eyes. If I were a woman or old person (I'm 60), that would be incredible, and it was a bit intimidating. I reported it via phone at about 8-9pm on the US Attorney Civilian Criminal Complaint line. Two separate calls: one for someone attempting to hinder or delay my communications to a federal judge about a possible federal crime, and the 2nd one for being hit in the face by CSO Newell.

I will add that he apologized (as I was leaving the 3rd floor office of the 2nd Circuit Clerk, escorted out by CSO Muschitello) for putting the name tag so close to me. I said You didn't put it close to me, you hit me with it. Will you apologize for that? And he apologized for that and we shook hands. But later a friend said to me that that was a crime, and that he had not heard of a Federal officer doing such an (out of control) thing. That's why I called the US Attorney. Afterwards, I wondered, there must have been a lot of pressure on the Marshals / CSOs to stop me, and maybe that's why he went ballistic. Is the pressure due to my inquiries about USDJ Sullivan?

I also determined that my mail had been intercepted by the US Marshals, re-routed to the SDNY, and then sent to the 2nd Circuit, since a US Marshal (either USM Howard or USM Murphy) looked at my cell phone photos outside the Court House (cell phones are checked at the front entrance), and said the stamp on the envelope was USM.

I think I'm being denied due process in the Court House (by USDJ Sullivan) and abuse of discretion, when I could not depose the named defendants in the IBM case, and my Summary Judgment reply to IBM was filed and USDJ Sullivan wouldn't take it (I had injuries that were told to USDJ Sullivan), and then ruled that since it was not filed, then IBM wins the Summary Judgment. Now the 2nd Circuit has my 3 submissions in wrong order (#3, then #2 and #1), where #1 was the full 40 page motion, and #2 and #3 were the 4 page request for extension. I have asked my US Congressional Representatives to look into impeaching USDJ Sullivan for violation of Article III of the Constitution on holding office during "good behavior."

Mr. US Attorney, something rotten is going on here. I think we need to have someone official take down my complaint against USDJ Sullivan's ORDER #130 (Oct2009) and the intimidation / assault by CSO Newell on Fri Aug 20 2010 at 4:15-5:15pm (I have 4:59pm in my Daytimer). I hope, as my friend pointed out, the US Marshal or CSO doesn't "lose" the video tapes. And if CSO Newell will assault me in front of his colleague and on video tape, what will happen if they get me to an area that is not taped? Will I be killed? Or "accidentally" fall down the stairs?

I'm alleging that USDJ Sullivan's ORDER#130 was a violation of 18 USC 1512(b)(3), which is a criminal act punishable by up to 20 years imprisonment. If USDJ Sullivan is indeed a

lawbreaker, and now: corrupt, wouldn't others jump in to protect their corrupt judge as a "get out of jail free" card? [A monopoly game card reference, but in this situation, get out of jail for a fee.] Would felons (corporate, mob) and civil offenders (corporate) cherish USDJ Sullivan, and not want to lose His Honor from the bench?

If the US Marshal's Office stamped a letter and twice gave it to the SDNY instead of the 2<sup>nd</sup> Circuit, wouldn't it appear that they are violating 18 USC 1512(b)(3) and now also USPS regulations on tampering with the mail? I asked the next pair of Marshals, who took me to their Office (4<sup>th</sup> Floor): US Marshal James Howard and his subordinate Brian Murphy, about what they would do if someone reported the mail problem, he said "no crime would have been committed," and he would just give a disciplinary note to any Marshal in his employ who had done so. Marshal Howard did say he would fill out a USM11 report on the incident, but said the document has no number or identifying tag on it except the date.

### **Summary**

So, maybe **I** can convince you to take down the attempted intimidation by USDJ Sullivan in Oct2009, and the assault and intimidation complaint by CSO Newel while I was making a complaint about a possible federal crime to the 2<sup>nd</sup> Circuit authorities, who called the CSO or the Marshals, who called in the CSO's.

By the way, the 2<sup>nd</sup> Circuit Clerk Margaret Lain told me in August that I mis-addressed the envelope to 500 Pearl St, when it should go to Foley Square. But in the 3<sup>rd</sup> floor of 500 Pearl St's 2<sup>nd</sup> Circuit Clerk's office, I saw and photocopied a schedule for the day that listed 2<sup>nd</sup> Circuit at 500 Pearl St. So, that proves my address was correct. I have a copy of that document, too.

Regards,

Peter

Peter Lindner

1 Irving Place, #G-23-C

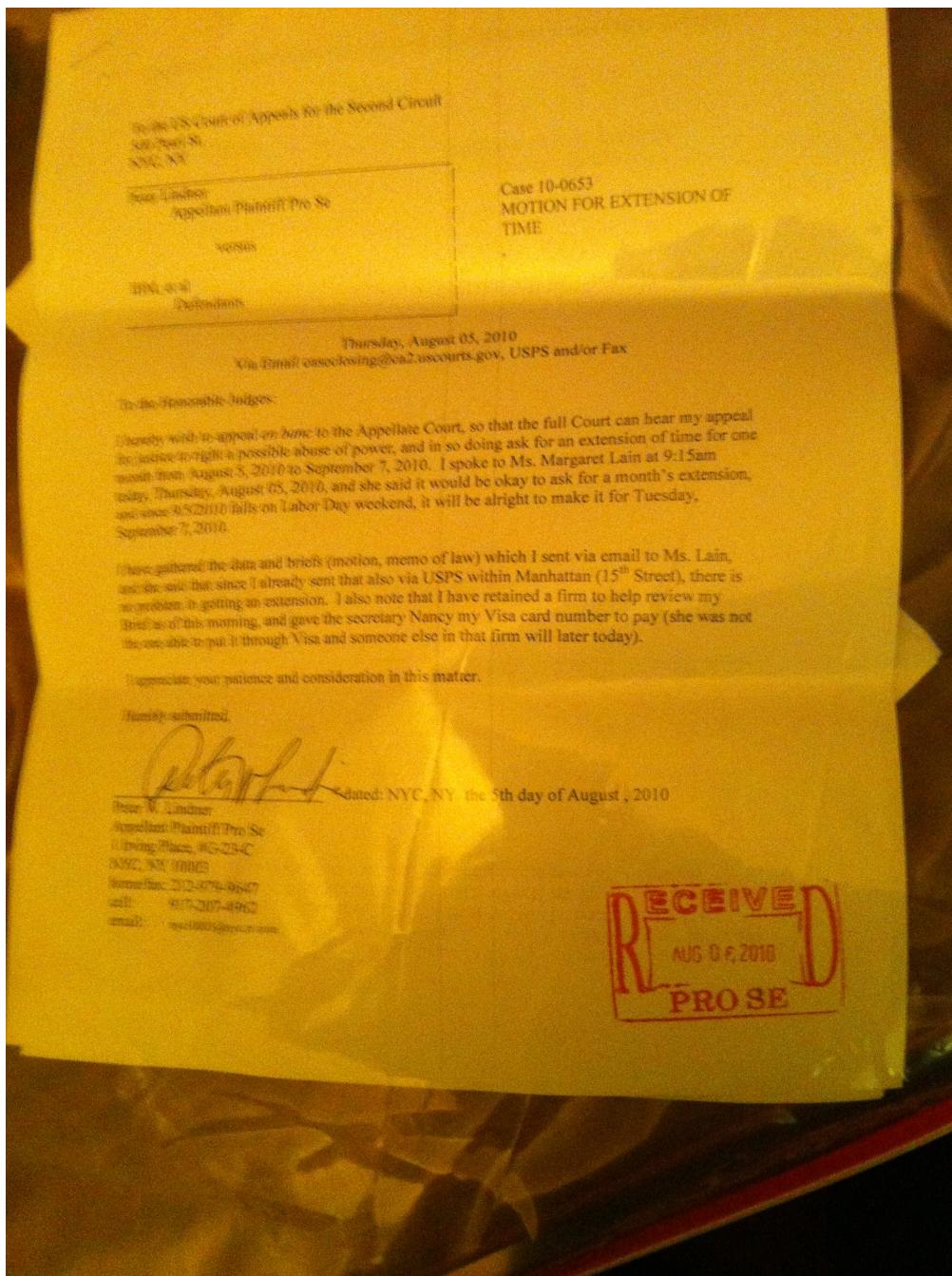
NYC, NY 10003

home/fax: 212-979-9647

cell: 917-207-4962

email: [nyc10003@nyc.rr.com](mailto:nyc10003@nyc.rr.com)

**Letter clearly addressed to 2<sup>nd</sup> Circuit**



[continued in part 2 entitled " for Lindner motion to reconsider Attachment 6 part 1-- 11 page letter to USMS in Sep 2010.doc"]